IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.338 OF 2007

Faiz Ahmed Barbhuiya ...Applicant.

Versus

The State of Maharashtra ...Respondent.

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Mr.Aashis S. Gaikwad, Adv. for Applicant.
Mr.K.V.Saste, APP, for State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 22nd March, 2007.

P.C.:

1. Heard the learned Advocate for the Applicant-orig.accused and the learned APP for the State.

2. The applicant is seeking bail in C.R.No.58 of 2006 of Cantonment Police Station, Pune. The said C.R. is under Sections 392, 397 of IPC.

3. It is the prosecution case that on 19.4.2006 one customer entered into the garment shop of the complainant and stated that he want to try out some clothes in the trial-room. Thereafter that person called him near the

trial-room and showed him one revolver which was tucked at his waist and demanded Rs.10,000/-. The complainant stated that he does not have Rs.10,000/-. However, he gave him all the money in his cash counter which was about Rs.1000/-. Thereafter the said person left the shop. The complainant chased the said person and ultimately the said person came to be caught. The applicant is the said person. Thus, in the present case it is seen that the applicant was caught red handed.

4. While the complainant was chasing the applicant, the applicant sat in one car. He showed revolver to the driver of the said car; whereupon the said driver ran away. The learned APP has pointed out that the applicant had fired from the revolver at the driver of the car and a separate C.R. has been registered against the applicant in respect of said firing.

5. The learned Advocate for the applicant has submitted that the bail application of the applicant came to be rejected by the Sessions Court only on the ground that the applicant is resident of Gauhati hence he may abscond. The

learned Advocate for the applicant has submitted that this cannot be a ground to deny the applicant bail. In support of his contention, he has placed reliance on the decision of the Supreme Court in case of **Sanjay @ Bablu @ Keja Vs. State of Gujarat,** reported in **2002 ALL MR (Cri) 468 (S.C.),** wherein it is observed that the accused person was in jail for over two years and that the accused cannot be kept in jail merely on the ground that since he was hailing from Allahabad he was likely to abscond from Gujarat.

6. On perusal of the order of the learned Sessions Judge it is seen that the learned Sessions Judge has not only rejected the application on the sole ground of the accused absconding as he is from Gauhati but the learned Sessions Judge has also observed that the accused was caught red handed after committing robbery.

7. Looking to the facts as stated above, I do not think that this is a fit case for granting bail. Application is rejected.

(SMT.V.K.TAHILRAMANI,J.)